

Newfields Planning Board
February 17, 2005

Attendance: John Hayden, Mike Todd, Bob Devantery, Mike Price, Bill Meserve

Mike Price opened the meeting at 7:10 pm

Trust for Public Land-\$1.5 million bond

Carol Hall from the Trust for Public Lands addressed the Board regarding the conservation project they have been working on called the Piscassic Greenway. Other members present from the TPL were Badge Blackett, Gregg Caporossi, and Wolfe Tone. The Town of Newfields, Rockingham Land Trust and the Trust for Public Land has an agreement with the owner of the Mill Woods Subdivision to purchase the 340-acre parcel for \$7.55 million. She explained that the Town of Newfields will vote on March 8th to raise \$1.5 million dollars to go towards the purchase, along with \$500,000 of open space fund money. The remainder of the funds will come from federal, state and private entities. The purchase is scheduled for April 2006. If the bond passes in March a deposit of \$2.5 million will be made to secure the purchase. TPL will obtain the remainder of the deposit through loans that are available to them. In the event that the entire \$7.55 million does not become available there will still be the opportunity to conserve a portion of the property. A conservation easement will be placed on the land and it will be open to the general public.

TPL will also be submitting a request to the Town of Newmarket asking for a contribution towards the purchase.

A motion was made by Mike Todd to recommend to the Board of Selectmen the expenditure of \$500,000 from the 2002 open space bond to help permanently protect up to 340-acres of land known as the Mill Woods Subdivision in Newfields and Newmarket, through the acquisition of land, conservation easements, or other real estate interests, if and only if the proposed \$1.5 million bond is passed on March 8, 2005. The motion was seconded by Bill Meserve. Yes-5, No-0

Mill Woods Conservation Subdivision-Preliminary Design Review-

The preliminary Mill Woods Conservation Subdivision plan was presented. Mike Price recused himself from discussion because of being an abutter. Attorney Mark Johnson explained that Joe Falzone needs to settle with landowners Dorothy Haughton and Chris Frysalis before he can enter into an agreement to sell his land. They cannot go forward with TPL until these agreements have been amended and taken care of. Each of the landowners will be given an additional lot. Bill Doucet stated that he welcomes the Board's input and suggestions on the subdivision.

The proposed Haughton lot to be created would be 12.398 acres with 75 feet of frontage on Route 87. The parcel will have a conservation easement on it, excluding an area of 1.828 acres which will be designated as a house lot. The driveway for the house lot and

stewardship access for TPL will be the same area that would have been the entrance to the original Mill Woods Plan. The house lot will be on the north side of the recreation trail. There shall be no public access on the portion of land designated as "Area A". Mrs. Haughton would like her two lots to be more than 10 acres to meet the current use requirements.

Mike Price asked if the crossing of the recreation trail will continue to be an issue. Peter Loughlin and Attorney Mark Johnson will be looking into this matter. There is an existing right of way over the trail for the building of one home.

This plan would need conditional approval prior to the 340-acre land purchase. The final approval would occur at the closing when the remainder of the land is transferred to the trust and preserved as open space.

The Frysalis lot was discussed next. The new lot for Frysalis would be approximately 1 ½ acres with 75 feet of frontage on Halls Mill Road. Bill Doucet mentioned that he has asked Christian Smith from Beals Associates to look at an alternative turnaround at the end of Halls Mill Road. John Hayden suggested that a turnaround be created which would be more practical and easier for the town to maintain. Bill Doucet talked about widening the turnaround and possibly having a reverse curve which would make it easier for the Road Agent to maintain.

The public access easement would go off to the left of the existing roadway. David Dwyer stated that there may be a designated parking area at the end of Halls Mill Road. Bill Meserve questioned whether or not a parking area had to be provided. According to Carol Hall none of the funding right now requires a parking area but it may be a requirement of future funding. The Planning Board would determine the parking needs. Carol reminded the Board that funding is the main issue at this point and parking can be discussed later.

Both lots would be considered conservation lots. Attorney Peter Loughlin and Attorney Mark Johnson will be discussing this issue. Engineer Reuben Hull will also be asked to review the plans. The developer would like to schedule a public hearing for submission of the application on March 10, 2005. The Board agreed and a public hearing will be noticed for March 10, 2005 at 7:00 pm at the Newfields Town Hall to discuss the Mill Woods Conservation Subdivision.

River Run Realty- Old Lee Rd. 15-lot Conservation Subdivision

Scott Frankiewicz from Beals Associates presented the revised River Run Realty Subdivision. He stated that Engineer Reuben Hull, the Road Agent, Police Department and Fire Department have reviewed the plans. The Road Agent has reviewed and approved the bond. The Police Department requested additional stop signs. The Fire Department approved of the two 15,000 gallon cisterns.

A draft copy of the homeowner's association documentation has been turned in. Scott mentioned that one of Reuben's suggestions was to have the homeowner's association

documentation include a non-conforming well form and that has been done. The well radius on proposed lot #1 has been relocated so that it is not on town property.

The cost of the sidewalks has been determined to be \$25,000 and Reuben agrees. This amount of money will be contributed to the sidewalk fund.

Scott pointed out the location of the cisterns and noted that easements to maintain them will be shown on plans and property deeds.

Reuben stated that he did receive responses from Scott on the questions and concerns he had. One issue he discussed was the driveway that does not meet the setbacks on proposed lot #12. He noted that our Conservation Subdivision Ordinance setbacks apply to structures; not driveways.

Reuben also mentioned that the grading of the road is shown but the grading of the driveways is not. It appears that some of the driveways will need extensive fill.

Reuben will also review the bond. The bond needs to be in place before any conditional approval is considered by the Board.

Bill Meserve asked when the funds for the sidewalks would be submitted to the Town. He feels they should be transferred right up front. A motion was made by Bill and seconded by John to grant the waiver for pedestrian ways and to have the value of the sidewalks, which has been determined to be \$25,000, contributed to the sidewalk capital reserve fund at the time of the bond issuance. The motion carried. Yes-4 No-0

The waiver for the road grade was discussed next. Reuben supports this waiver. A motion was made by John and seconded by Bill to grant a waiver for the horizontal curve between the stations 5+36.42 and 7+27.77 not to exceed a 7.04% centerline slope. The motion carried. Yes-4 No-0

The conditional use permit was discussed next. Reuben stated that the plan is complete with all the waivers that have been granted. A motion was made by Bill Meserve and seconded by Bob to grant a conditional use permit to allow for a conservation subdivision. The motion carried. Yes-4, No-0.

Elliot Alexander addressed the Board with his concerns with lot #12 on the easterly side of the subdivision that has an odd configuration and sticks out on the right hand side of the subdivision. He questioned the setbacks and would like to see this lot eliminated. Reuben clarified that the lot is allowed with the way that that our conservation subdivision ordinance is written. It meets all the setbacks.

Robert Labranche informed the Board that there is a substantial amount of water that collects at the entrance of the proposed subdivision. Reuben commented on his review of the proposed drainage design. He said there were no specific comments made about

water build up at the front of the parcel but they are intending on re-directing and decreasing the flow toward Old Lee Road.

Kevin Keach is concerned with the proposed roadway entering the subdivision. There is no buffer between the road and his property. The Board suggested granting a waiver to allow for a 20-foot wide road rather than a 24-foot road. Reuben noted that making the road smaller would make the centerline shift and this would be an improvement. Instead of re-designing the entire plan, one sheet showing the different road radii would be acceptable to the Board.

Mark Johnson submitted a waiver request to reduce the roadway pavement from 24 feet to 20 feet by shifting the centerline 4 feet to the east and south; further defined, as to the left along the roadway stationing from Old Lee Road to station 6+00.

A motion was made by Bill Meserve and seconded by John to grant the request to allow for a 20-foot roadway. The motion carried. Yes-4, No-0 Scott will design a profile page to show the changes. Discussion will continue at next month's meeting.

Mark Johnson summarized that the Board would like confirmation of the construction values and an update on the site specific permit. The Board would like responses to Reuben Hull's letter of February 17th. Town Counsel will need to review the bond, covenants and easement language prior to a conditional approval.

Post Office- Driveway Issue

Bill Davis briefly discussed the post office driveway. The driveway is complete and has been approved by the State but Bill feels the entrance is too narrow. It is difficult to turn into and there seems to be no deceleration lane on Route 85. He is willing to widen the driveway but he would need the Planning Board to make that request from the State.

John suggested having someone look at the entrance to the post office before any requests are made to the State to have it changed. The Board questioned whether or not the entrance was built to the plan's specifications. Bill will find out if the entrance was built correctly.

Cedar Island Ledge-Lot Line Adjustment

Bill Davis presented his lot line adjustment plan with three lots to be combined into one. One lot used to be a portion of the veterinary property, one lot used to be a portion of the post office property and the third lot is the remainder of ½ of the old road bed. Total area of all three lots would be .888 acres. Bill mentioned that even after the lots are combined he would need a variance from the ZBA to develop it.

John explained that the three lots are actually remnants from the road taking. The three remnant lots became non-conforming because of the road taking. Bob read RSA 674:54 which states that a highway dissecting a piece of property does not constitute a subdivision. A separate lot is not created when land is taken for a road.

The lots have been described and deeded separately and this probably should not have occurred according to the Board.

When the land was taken money was paid to the land owners at that time. Remnants are considered useless and that's why the state purchases them. They are called uneconomic remnants.

Bill was under the assumption that these lots were created by the State. He is asking to merge abutting pieces of non-conforming land that he considered to be lots. He will contact his Attorney for a legal opinion.

Reuben suggested that the Board take no action at this time. We need to get clarification from Town Counsel on whether or not these remnants lots can be combined into one.

Reuben Hull presented Board members with model ordinances for alternative subdivisions. These types of ordinances would assist the Board with future developments.

Correspondence was received from Excel Construction Management requesting that no further action be required with regard to the rental space at the Great Bay Store. They are proposing a dry cleaning drop off/pick up, and a Hair Salon/Barber Shop. The Board denied the request and asked for the additional site review as noted on the original site plan. Yes-4, No-0

With no further business to discuss, the meeting adjourned at 10:45. The next regularly scheduled meeting will be March 17, 2005 at 7 pm.

Respectfully submitted,

Sue McKinnon